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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,488	12/20/2001	Michael Lau	4270	4633

21553 7590 03/01/2004
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EXAMINER

PALABRICA, RICARDO J

ART UNIT PAPER NUMBER

3641

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,488

Applicant(s)

LAU ET AL.

Examiner

Rick Palabrica

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 2, 10 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 7-9, 11-14 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- A: Wherein the support structure is a baggage compartment housing (e.g. see claim 2 and page 9 of specification).
- B: Wherein the support structure is an airframe structure of an aircraft (e.g. see claim 3 and page 9 of specification).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

2. Upon election of one of the embodiments identified above as A and B, applicant is further required under 35 U.S.C. 121 to elect a single species of the guide member from the identified Markush group of members for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. This additional requirement is to facilitate examining due to the broad range of guide members disclosed as suitable (e.g., see claim 8).

3. Upon election of one of the embodiments identified above as A and B, applicant is further required under 35 U.S.C. 121 to elect one of the following species of the arcuate guide groove for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

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- C: Wherein the arcuate guide groove is an open through-going slot that penetrates a side wall (e.g., see claim 9 and page 6 of the specification).
- D: Wherein the arcuate guide groove is a closed blind channel that does not penetrate a side wall (e.g., see claim 10 and page 6 of the specification).

4. Upon election of one of the embodiments identified above as A and B, applicant is further required under 35 U.S.C. 121 to elect one of the following species of the linear guide arrangement for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

- E: Wherein the linear guide arrangement comprises a guide track and roller (e.g., see claims 13 and 15, and page 16 of the specification).
- F: Wherein the linear guide arrangement comprises a linear guide groove and slide block (e.g., see claims 16, and page 16 of the specification).

5. During a 2/18/04 telephone conversation with Mr. Walter Fasse, Applicant's Representative, a provisional election was made without traverse to prosecute the invention of Species B, C, and E and the guide bolts species. Claims 1, 3-9, 11-15 and 17-19 read on the elected species. Affirmation of this election must be made by applicant in replying to this Office action. Claims 2, 10, and 16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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Drawings

6. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant has elected an airframe structure of an aircraft for the support structure of the claimed baggage compartment. The drawings presented in the application pertain to the non-elected species of the support structure, i.e., a baggage compartment housing. Applicant is required to furnish a drawing of the elected airframe support structure under 37 CFR 1.81. No new matter may be introduced in the required drawing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by either one of Schumacher et al. (U.S. 5,820,076) or Steidl (U.S. 4,275,942).

Schumacher et al. disclose a luggage compartment for a passenger aircraft cabin (e.g., see Fig. 6). Applicant's claim language reads on Schumacher et al.'s device as follows: a) "support structure" reads on the aircraft cabin; b) "side member" reads on the cabin ceiling (AB); c) "baggage bin" reads on baggage compartment 4; d) "front arcuate guide arrangement" reads on guard belt 20 that is arcuate and connects the sidewall of compartment 4 to the cabin ceiling through the motor housing 17; e) "rear arcuate guide

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arrangement" reads on the guide carriage assembly (15, 15A), which connects the sidewall of compartment 4 to the ceiling through the guide rail 14; f) "linear guide arrangement" reads on guide rail 14. Note from Fig. 6 that Schumacher et al.'s front arcuate guide (i.e., structure 20) is arranged relatively closer to the front end 25 of the compartment bin compared to the rear arcuate guide arrangement (i.e., structure 15, 15A).

As to the limitation in the claim 1 regarding the common arc center point, note that the no limitation is recited as to the specific lengths of the first and second arcs. One can always find a common center point for arbitrary lengths of the arcs along the arcuate paths of Schumacher et al.'s front and rear arcuate guides. This common point would be the intersection of radii of said arbitrary arc lengths. Thus, Schumacher et al.'s device meets said limitation of claim 1. The same observation applies to the limitation in claim 6 regarding a larger radius of curvature and larger arc angle for the first arc.

Note further that claim 1 does not specify the length of the linear guide arrangement. Schumacher et al.'s guard rail 14 is inherently composed of a plurality of short, linear sections, and one can always find a linear section of the rail that meets the claimed limitation.

Steidel discloses a stowage bin for a passenger aircraft (e.g., see Figs. 2 and 3). Applicant's claim language reads on Steidel's device as follows: a) "support structure with side member" reads on structure 15; b) "baggage bin" reads on stowage bin 10; c) "front arcuate guide arrangement" reads on the structure comprising the tip of arm 13 and pin 11, which structure connects the sidewall of stowage bin 10 to the support

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structure 15 through snubbing device 21; e) "rear arcuate guide arrangement" reads on structure comprising the tip of arm 14 and pin 12, which structure connects the sidewall of stowage bin 10 to the support structure 15 through spring cartridge 18, arm 13 and snubbing device 21; f) "linear guide arrangement" reads on spring cartridge 18. Note from Fig. 2 that Steidel's front arcuate guide is arranged relatively closer to the open front end of the bin compared to the rear arcuate guide arrangement.

As to the limitation in the claim 1 regarding the common arc center point, note that no limitation is recited as to the specific lengths of the first and second arcs. One can always find a common center point for arbitrary lengths of the arcs along the arcuate paths of Steidel's front and rear arcuate guides. This common point would be the intersection of radii of said arbitrary arc lengths. Therefore, Steidel's device meets said limitation of claim 1. The same observation applies to the limitation in claim 6 regarding a larger radius of curvature and larger arc angle for the first arc.

8. Claims 4, 5, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Steidl. As to the limitation in claim 5, see Fig. 3. As to applicant's claim language, "spring device and damper" in claim 18, this limitation reads on snubber 21.

9. Claims 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Schumacher et al. Note from Fig. 6 the guide track and linear guide arrangement. Applicant's claim language "guide roller" reads on guide carriage 15, 16. As to the stop

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member limitation in claim 17, Schumacher et al. discloses a stop pin 22 (see, for example, Fig. 6 or claim 10).

Allowable Subject Matter

10. Claims 7-9, 11-14, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References B-F further illustrate prior art.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick Palabrica whose telephone number is 703-306-5756. The examiner can normally be reached on 7:00-4:30, Mon-Fri; 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703-306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJP
February 23, 2004

MICHAEL J. COPE
SUPERVISORY PATENT EXAMINER